

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Delaney Esper and Samuel Esper,)	
)	
Plaintiffs and Counter-Defendants,)	
)	
v.)	Case No. 3:23-cv-00116
)	
Richard Enlow, Mirnes Muminovic, and)	JURY DEMAND
Wipeout Logistics LLC,)	Judge Eli J. Richardson
)	Magistrate Judge Barbara D. Holmes
Defendants and Counter-Plaintiff.)	

AMENDED MOTION OF PLAINTIFFS TO AMEND COMPLAINT

Come now the Plaintiffs, Delaney Esper and Samuel Esper, by and through undersigned counsel and pursuant to Tenn. R. of Civ. P. 15 moves the Court for relief to amend the Complaint previously filed in this action. The Plaintiffs seek to amend the Complaint in the following particulars:

1. The Plaintiffs received the body cam videos from the Police Department. The Defendant driver admitted he was speeding in the video. The Plaintiffs wish to include this new allegation in their Complaint. The Plaintiffs wish to add new Paragraph 15 as follows: “Defendant Enlow admitted to the investigating police that he was exceeding the posted speed limit at the time of the crash.”

2. For the same reasons indicated in paragraph 1, the Plaintiffs wish to include this new charge in their Complaint. The Plaintiffs wish to add the following to Paragraph 22 (new Paragraph 23): “d. Operating his vehicle in excess of the posted speed limit.”

3. There was a transcription error discovered and the Plaintiffs wish to correct the Tennessee Code Annotated citation in Paragraph 23 (c) (new Paragraph 24) to read “§55-10-110.”

4. For the same reasons indicated in paragraph 1, the Plaintiffs wish to include this new charge in their Complaint. The Plaintiffs wish to add the following to Paragraph 24 (new

Paragraph 25): “c. Exceeding the maximum lawful speed pursuant to Metropolitan Nashville, Davidson County Code of Ordinances § 12.20.0200.”

5. There was a transcription error discovered and the Plaintiffs wish to correct the Tennessee Code Annotated citation, as well as add the elements required for punitive damages. The Plaintiffs’ wish to substitute Paragraph 71 (new Paragraph 72) with the following:

72. The Plaintiff asserts a claim for punitive damages against Defendants in that Defendant Enlow’s actions were intentional, fraudulent, malicious, and/or reckless when he attempted to bribe a witness at the scene to place the blame on the Plaintiff and give a false report pursuant to Tenn. Code Ann. § 55-10-110.

6. There was a transcription error discovered and the Plaintiffs wish to correct the Tennessee Code Annotated citation and demand amount for punitive damages in its Prayer for Relief No. 3. The Plaintiffs’ wish to substitute as follows:

3. For punitive damages in an amount to be determined as set forth in Tenn. Code Ann. § 29-39-104 for the greater of twice the compensatory damages or \$500,000.00;

7. The Plaintiffs’ wish to correct the numbering of paragraphs after Paragraph 15.

The Plaintiffs request that an Order to amend their Complaint be granted and that they be permitted to file the proposed Amended Complaint, attached to the instant Motion as Exhibit A, which contains the above-stated amendments.

CONFERENCE WITH COUNSEL

I certify, pursuant to local rule 7.01(a)(1) and 15.01(a)(2), as follows: I have conferred with all counsel as to whether or not the amendments requested in this motion are opposed. Counsel for Defendants/Counter-Plaintiff oppose the proposed amendments. Counsel for the Unnamed Defendant and counsel for Counter-Defendants do not oppose the amendments.

/s/ Matthew C. Hardin

Respectfully submitted,

/s/ Matthew C. Hardin
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed with the court electronically via the court's e-filing system on the 26th day of September, 2023. A copy was served upon the below counsel via the court's electronic filing system, as follows:

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